

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

PETER J. MILLER, an individual,
CLIFFORD HOYT, an individual, and
CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,
a Delaware corporation,

Plaintiffs,

v.

PATRICK TREADO, an individual, and
CHEMIMAGE CORP., a Delaware
corporation,

Defendants.

Civil Action No. 05-10367-RWZ

**[ASSENTED-TO] COMBINED MOTION
AND MEMORANDUM IN SUPPORT THEREOF
TO IMPOUND PURSUANT TO LOCAL RULE 7.2
PLAINTIFFS' [PROPOSED] REPLY TO DEFENDANTS' OPPOSITION [D.E. 63]
TO PLAINTIFFS' MOTION TO COMPEL [D.E. 50]**

Plaintiffs Cambridge Research and Instrumentation, Inc. ("CRI"), Peter J. Miller, and Clifford Hoyt, by their attorneys COHEN, PONTANI, LIEBERMAN & PAVANE, hereby move the Court under LR 7.2 to impound the unredacted copy of plaintiffs' [proposed] reply to defendants' opposition [D.E. 63] to plaintiffs' motion to compel defendants to produce documents and things responsive to plaintiffs' request nos. 1 and 10(a) [D.E. 50].

Because defendants have agreed to the relief requested herein, the granting of the requested relief is within the Court's discretion, and a memorandum under LR 7.1(b)(1) is not required.

[Assented-To] Motion/Memo to Impound under LR 7.2
Plaintiffs' [Proposed] Reply to Defendants' Opposition [D.E. 63] to
Plaintiffs' Motion to Compel Production [D.E. 50]

In support, plaintiffs state as follows:

1. Plaintiffs have filed via ECF [D.E. 65] a redacted version of their [proposed] reply to defendants' opposition [D.E. 63] to plaintiffs' motion to compel defendants to produce documents and things responsive to plaintiffs' request nos. 1 and 10(a) [D.E. 50].

2. The portions which have been redacted from the plaintiffs' [proposed] reply (filed with [D.E. 65]) to defendants' opposition to plaintiffs' motion [D.E. 50] to compel defendants to produce documents and things responsive to plaintiffs' request nos. 1 and 10(a) describe and/or characterize subject matter for which defendants had previously sought, and obtained from plaintiffs, a contractual stipulation not to disclose publicly. See, e.g., ¶2 on p. CRI004143, Ex. X to Amd. Complt, Ex. 1 to [D.E. 41].

3. Thus, plaintiffs request, with defendants' assent, that the Court order the impoundment of the complete unredacted copy of plaintiffs' [proposed] reply pursuant to LR 7.2, which impoundment shall last until further order of the Court.

4. Pursuant to LR 7.1(a)(2), defendants have indicated their assent.

5. Pursuant to LR 7.2(a), plaintiffs suggest the unredacted document be returned to plaintiffs' custody after the period of impoundment.

6. Pursuant to instructions from the Clerk of the Court, the complete *unredacted* copy of plaintiffs' [proposed] reply to defendants' opposition to plaintiffs' motion [D.E. 50] to compel defendants to produce documents and things responsive to plaintiffs' request nos. 1 and 10(a) will be filed with the Court upon entry of plaintiffs' motion for leave [D.E. 65] and the instant motion to impound.

[Assented-To] Motion/Memo to Impound under LR 7.2
Plaintiffs' [Proposed] Reply to Defendants' Opposition [D.E. 63] to
Plaintiffs' Motion to Compel Production [D.E. 50]

WHEREFORE, plaintiffs respectfully request, with defendants' assent, that the Court:

A. Issue an order impounding:

- the unredacted copy of Plaintiffs' [proposed] reply to defendants' opposition [D.E. 63] to plaintiffs' motion [D.E. 50] to compel defendants to produce documents and things responsive to plaintiffs' request nos. 1 and 10(a).

B. Grant such further and other relief as this Court deems just, equitable and proper.

Respectfully submitted,

**PETER J. MILLER, CLIFFORD HOYT,
and CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,**

By their attorneys:

Dated: July 11, 2006

/s/ Teodor Holmberg

Martin B. Pavane

Teodor J. Holmberg (BBO# 634708)

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Impound Pursuant to LR 7.2 filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on July 11, 2006, and a paper copy will be sent to the non-registered participant listed below:

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The foregoing Motion to Impound requests that a complete, unredacted copy of the following document be sealed:

- Plaintiffs' [proposed] reply to defendants' opposition to plaintiffs' motion [D.E. 50] to compel defendants to produce documents and things responsive to plaintiffs' request nos. 1 and 10(a).

A redacted copy of the listed document has been filed with the Court separately via ECF at [D.E. 65].

Pursuant to instructions from the Clerk of the Court, an unredacted copy of the document listed above will be served, by hand, with the Court upon entry of the foregoing motion to impound.

/s/ Teodor Holmberg
Teodor J. Holmberg (BBO# 634708)